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12 NOV 21 PM 2:00

CLERK OF DISTRICT COURT
LOS ANGELES

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Fax No.: (213) 894-5900

8 Attorneys for Plaintiff
9 United States of America

10 UNITED STATES DISTRICT COURT
11
12 CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA)

14 Plaintiff,)

15 v.)

16)
17 BRUCE D. COWEN,)

18 Defendant.)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

No. CV

CV12-10005

OPW(AJW X)

[CR 10-0229-ODW]

NOTICE OF REQUEST AND REQUEST
FOR SELECTION OF A UNITED
STATES MAGISTRATE JUDGE TO SET
A DATE FOR A JUDGMENT DEBTOR
EXAMINATION IN A CRIMINAL
CASE; APPLICATION FOR ORDER
FOR APPEARANCE OF JUDGMENT
DEBTOR;

DECLARATION;

[PROPOSED] ORDER.

1 Plaintiff United States of America respectfully requests
2 that a United States Magistrate Judge be selected in this matter
3 to set a date for a judgment debtor examination in the subject
4 criminal case. This request is based on the Application for
5 Order for Appearance of Judgment Debtor, and a declaration of
6 Assistant United States Attorney Robert I. Lester filed
7 concurrently herewith.

8 APPLICATION FOR ORDER FOR APPEARANCE OF JUDGMENT DEBTOR

9 On or about June 14, 2005, the United States District Court
10 for the Southern District of Florida entered a Judgment and
11 Commitment Order, amended on August 15, 2005 ("Amended Judgment")
12 in the above case, by which Defendant and Judgment Debtor
13 BRUCE D. COWEN ("Judgment Debtor") was ordered to pay a special
14 assessment of \$100.00 and restitution of \$2,833,888.62 (plus
15 interest). A copy of the Amended Judgment is attached hereto as
16 Exhibit 1.¹

17 As of November 1, 2012, payments of \$1,503,247.02 by the
18 Judgment Debtor have been credited toward the satisfaction of
19 the Amended Judgment, leaving a total debt balance now owing
20 of \$1,331,641.60 as the unpaid restitution, plus accrued interest
21 of \$467,469.23. Lester Declaration ¶ 3.

22 The United States hereby applies for an order requiring
23 the Judgment Debtor to appear no earlier than February 12, 2013
24 to produce information to aid in the enforcement of the Amended
25 Judgment, including the documents or objects on the attached
26

27 ¹ Jurisdiction over this case was transferred from the
28 Southern District of Florida to this Court in 2010. See Exhibit
2.

1 list, pursuant to Fed. R. Civ. P. 69 and California Code of Civil
2 Procedure § 708.110. There has been no previous examination of
3 the Judgment Debtor within the last four months. No bond to stay
4 execution on appeal has been filed on behalf of the Judgment
5 Debtor. Lester Decl. ¶ 4.

6 Dated: November 19, 2012.

Respectfully submitted,

7 ANDRÉ BIROTTE, JR.
8 United States Attorney
9 LEON W. WEIDMAN
Assistant United States Attorney
Chief, Civil Division

10 
11 ROBERT I. LESTER
12 Assistant United States Attorney

13 Attorneys for Plaintiff
14 United States of America
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1 DECLARATION OF ROBERT I. LESTER

2 I, ROBERT I. LESTER, Assistant United States Attorney, do
3 hereby declare:

4 1. I am an attorney at law duly licensed to practice before
5 all courts of the State of California and this Court. I am an
6 Assistant United States Attorney in the Financial Litigation Unit
7 of the Civil Division of the Office of the United States Attorney
8 for the Central District of California ("USAO"). I am an
9 attorney for plaintiff United States of America. I reviewed the
10 files pertaining to this matter which are kept in the ordinary
11 course of business in the Financial Litigation Unit of the Civil
12 Division of the USAO. If called as a witness I could, and would,
13 competently testify thereto before this Court.

14 2. On or about June 14, 2005, the United States District
15 Court for the Southern District of Florida entered a Judgment and
16 Commitment Order, amended on August 15, 2005 ("Amended Judgment")
17 in the subject criminal case, by which the Judgment Debtor
18 BRUCE D. COWEN ("Judgment Debtor) was ordered to pay a special
19 assessment of \$100.00 and restitution of \$2,833,888.62 (plus
20 interest). A copy of the Amended Judgment is attached as
21 Exhibit 1.¹

22 3. As of November 1, 2012, payments of \$1,503,247.02 by the
23 Judgment Debtor have been credited against the Amended Judgment,
24 leaving a total debt balance now owing of \$1,331,641.60 as the
25 unpaid restitution, plus accrued interest of \$467,469.23.

26 ///

27 _____
28 ¹ Jurisdiction over this case was transferred from the
Southern District of Florida to this Court in 2010. See Exhibit
2.

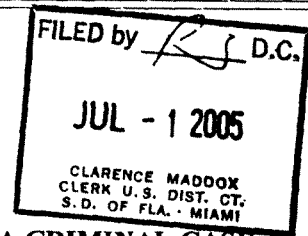
1 4. There has not been an examination of the Judgment Debtor
2 within the last four months. No bond to stay execution on appeal
3 has been filed on behalf of the Judgment Debtor.

4 I declare under penalty of perjury that the foregoing is
5 true and correct.

6 Executed on November 19, 2012, at Los Angeles, California.

7
8 
9 ROBERT I. LESTER

United States District Court
Southern District of Florida
MIAMI DIVISION



UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

vs.

Case Number: 02-20473-CR-ALTONAGA

BRUCE D. COWEN

USM Number: 54048-004

Counsel For Defendant: Carlos Negrete, Esq.
 William Aaron, Esq.
 Alan Ellis, Esq.

Counsel For The United States: Thomas Hanusik, Esq.
 Court Reporter: Barbara Medina

The defendant pleaded guilty to Count(s) 1 of the Indictment.
 The defendant is adjudicated guilty of the following offense(s):

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 371	Conspiracy to Commit Wire, Mail, and Securities Fraud	December, 2001	1

The defendant is sentenced as provided in the following pages of this judgment.

Remaining Counts are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of any material changes in economic circumstances.

Date of Imposition of Sentence:
 June 14, 2005

Cecilia M. Altonaga
 CECILIA M. ALTONAGA
 UNITED STATES DISTRICT JUDGE

July 1, 2005

EXHIBIT

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 1K

DEFENDANT: BRUCE D. COWEN
CASE NUMBER: 02-20473-CR-ALTONAGA

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **24 months as to Count 1.**

The Court makes the following recommendations to the Bureau of Prisons:

The Defendant be designated to FPC Sheridan, Oregon, or in the alternative, to Lompoc.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before **2:00 P.M. on August 8, 2005.**

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

DEFENDANT: BRUCE D. COWEN
CASE NUMBER: 02-20473-CR-ALTONAGA

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **3 years**.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. the defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. the defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BRUCE D. COWEN
CASE NUMBER: 02-20473-CR-ALTONAGA

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

The defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days, unless excused by the U.S. Probation Officer. Further, the defendant shall provide documentation, including but not limited to, pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and any other documents requested by the U.S. Probation Office.

The defendant shall obtain prior approval from the U.S. Probation Officer before entering into any self-employment.

The defendant shall not own, operate, act as a consultant, be employed in, or participate in any manner, in any related concern, (i.e. such as being an officer in any corporation, working for any security or commodity corporation, working for any telemarketing company or mass marketing entity, or any business involved with stocks or bonds) during the period of supervision without advance approval of the Probation Office.

The defendant shall not be engaged in any business that offers securities, investments, or business opportunities to the public. The defendant is further prohibited from engaging in telemarketing, direct mail, or national advertising campaigns for business purposes without the permission of the U.S. Probation Officer.

Upon request of the appropriate regulatory agency, the defendant shall relinquish his license to said agency. The defendant is on notice that such relinquishment is permanent, and will be considered disciplinary action.

DEFENDANT: BRUCE D. COWEN
CASE NUMBER: 02-20473-CR-ALTONAGA

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$100.00	0	TO BE DETERMINED

It is further ordered that the defendant shall pay restitution.. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay \$25.00 per quarter toward the financial obligations imposed in this order. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay.

The determination of restitution is deferred until August 5, 2005. A hearing will be held, commencing at 8:30 a.m. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such a determination.

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BRUCE D. COWEN
CASE NUMBER: 02-20473-CR-ALTONAGA

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A. Lump sum payment of **\$100.00** due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the U.S. COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
301 N. MIAMI AVENUE, ROOM 150
MIAMI, FLORIDA 33128**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

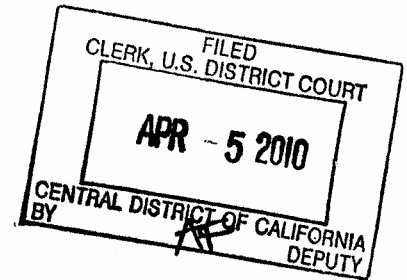
Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

STEVEN M. LARIMORE
CLERK OF COURT



Date: April 2, 2010



United States District Court
District of California-Central

411 West Fourth Street, Room 1-053

Santa Ana, CA 92701

RE: USA v. Bruce D. Cowen
Case No.: 02-cr-20473-CMA

CR10-229-ODW

Dear Sir:

Pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer/supervised releasee has been transferred to your court. In compliance with the Transfer of Jurisdiction, the following items are being forwarded herewith:

- (1) original form PROB 22 Transfer of Jurisdiction
- (1) certified copy of the Indictment/Information
- (1) certified copy of the J&C
- (1) certified copy of the docket sheet

Please acknowledge receipt of the above on the enclosed copy of this letter and return it the envelope which has been provided.

STEVEN M. LARIMORE
Clerk of Court

by: s/
Deputy Clerk

Encl.

☐ 400 N. Miami Avenue
Room 8N09
Miami, FL 33128
305-523-5100

☐ 299 E. Broward Boulevard
Room 108
Ft. Lauderdale, FL 33301
954-769-5400

☐ 701 Clematis Street
Room 402
W. Palm Beach, FL 33401
561-803-3400

☐ 301 Simonton Street
Room 130
Key West, FL 33040
305-295-8100

☐ 300 S. Sixth Street
Ft. Pierce, FL 34950
772-595-9691

EXHIBIT 2



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

TERRY NAFISI
District Court Executive and
Clerk of Court

March 10, 2010

Clerk, United District Court
Southern Florida
Wilkie D. Ferguson, Jr. US Courthouse
400 North Miami Avenue, Room 8
Miami, FL 33128

FILED by _____ D.C.

MAR 12 2010
STEVEN M. LARIMORE
CLERK U.S. DIST CT
S. D. of FLA. - MIAMI

Re: Transfer of Jurisdiction of Probation

Your Case No. 02-20473-CR-CMA
Assigned Our Case No. CR 10-0229 ODW
Case Title: USA VS BRUCE D COWEN

Dear Sir/Madam:

Enclosed is the original Probation Form 22, Transfer of Jurisdiction, of the above-named probationer to this district as accepted by Judge Audrey B. Collins, Chief Judge

Please forward to this district court certified copies of the following documents:

- 1) Indictment, Information, or Complaint
- 2) Judgment and Probationary Order
- 3) If a Class A Misdemeanor, a copy of a signed Consent to proceed before a magistrate judge, and/or document reflecting such consent, or waiver form.

The probationer has been assigned our case number as referenced above. Please include this case number in all future correspondence.

Sincerely,

Clerk, U.S. District Court

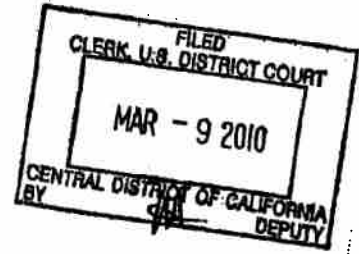
By L Chai
Deputy Clerk

213-894-3739

Certified to be a true and correct copy of the document on file Steven M. Larimore, Clerk, U.S. District Court Southern District of Florida	
By <u>Steven M. Larimore</u>	Deputy Clerk
Date <u>4/2/10</u>	

cc: Probation Office, Los Angeles
Probation Office, District of Origin

Name & Address:



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

USA	PLAINTIFF(S)	CASE NUMBER
		CR 10-229-ODW
v.		
BRUCE D. COWEN	DEPENDANT(S)	NOTICE OF JURISDICTION / TREATY TRANSFER-IN

To: All Parties/Counsel of Record

The Court has approved the

☒ supervised release☐ probation☐ treaty

transfer-in for the case referred to above.

The matter has been randomly assigned to United States ☒ District Judge ☐ Magistrate Judge _____
 OTIS D. WRIGHT _____ for all further proceedings.

Please include the criminal case number as reflected above on all documents subsequently filed in this case.

Clerk, U. S. District Court

3/9/10 _____
 Date

By: M. WARREN _____
 Deputy Clerk

cc: U.S. Attorney's Office
 U.S. Probation Office

CR-56 (10/08)

NOTICE OF JURISDICTION / TREATY TRANSFER-IN

PROB 22 Rev. 2/88		DOCKET NUMBER(Trans.Ct) 02-20473-CR-CMA DOCKET NUMBER(Rec.Ct)	
TRANSFER OF JURISDICTION			
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE BRUCE D. COWEN	DISTRICT SD/FL, MIAMI	DIVISION SUPERVISED RELEASE	
FILED CLERK, U.S. DISTRICT COURT MAR - 9 2010		NAME OF SENTENCING JUDGE THE HONORABLE CECILIA M. ALTONAGA	
SD/FL PACTS No. 74147	CENTRAL DISTRICT OF CALIFORNIA BY DEPUTY	DATES OF PROBATION SUPERVISED RELEASE FROM 5/04/07 TO 5/03/10	
OFFENSE Conspiracy to Commit Wire, Mail and Securities Fraud, in violation of 18, U. S. Code, § 371, a Class D felony.			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releases named above be transferred with the records of this Court to the United States District Court for the <u>Central District of California, Santa Ana</u> upon the court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*			
February 22, 2010 Date		Cecilia M. Altonaga United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA</u>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releases be accepted and assumed by this Court from and after the entry of this order.			
Steven M. Larimore, Clerk, U.S. District Court Southern District of Florida By <i>[Signature]</i> Deputy Clerk		<i>[Signature]</i> Chief	
3/8/2010 Effective Date	Date 4/2/10	United States District Judge	